

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 6<sup>th</sup> day of December, 2016.

In the Matter of the Joint Application of Great Plains Energy Incorporated, Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company for a Variance from the Commission's Affiliate Transactions Rule, 4 CSR 240-20.015 )  
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) **File No. EE-2017-0113**  
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**ORDER ADOPTING PROCEDURAL SCHEDULE**

Issue Date: December 6, 2016

Effective Date: December 6, 2016

In a previous order, the Commission directed the parties to file a proposed procedural schedule by November 29, 2016. The parties were unable to agree upon a schedule and have filed competing proposed schedules. Staff and the Joint Applicants propose a schedule that would lead to an evidentiary hearing on February 13-15, 2017. A group of intervenors<sup>1</sup> proposed an alternative schedule that would lead to an evidentiary hearing on March 15-17, 2017. Both proposed schedules recognize that the Joint Applicants want a final Commission order to be effective by April 24, 2017 and propose that the Commission comply with that request.

The scheduling of a hearing in this case is very difficult because multi-week hearings in Kansas City Power & Light Company's and in Union Electric Company, d/b/a Ameren Missouri's rate cases, as well as in the Grain Belt Express certificate of convenience and necessity application case already crowd the calendar in February and March. The February

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<sup>1</sup>The intervenors who proposed this schedule are Midwest Energy Consumers Group (MECG); Renew Missouri; City of Independence, Missouri; Laborers' International Union of North America; Consumers Council of Missouri; IBEW Local Union 412, 1464, and 1613; and Missouri Industrial Energy Consumers (MIEC).

13-15 dates proposed by Staff and the Joint Applicants are not workable because February 13 is a state holiday and the 14<sup>th</sup> and 15<sup>th</sup> are not available on the Commission's calendar. The March 15-17 dates proposed by the intervenors are also far from ideal. March 16 and 17 are currently reserved on the calendar for a possible true-up hearing in the Kansas City Power & Light Company rate case. Further, the delay in conducting the hearing will severely limit the time available to the Commission to deliberate and to issue an order to be effective by April 24 as requested by the Joint Applicants. But, due to the extremely crowded calendar, the March 15-17 hearing dates are the best available alternative.

The March 15-17 hearing dates may conflict with the true-up hearing in the Kansas City Power & Light rate case. If such a conflict does emerge, the true-up hearing will be given priority and the hearing in this case will be recessed to allow that hearing to proceed. Because of the short time these hearing dates will allow for the issuance of a decision, the Commission will alter the proposed procedural schedule to make the briefs of the parties due on Thursday, March 30, rather than on Monday April 3.<sup>2</sup>

Both proposed procedural schedules agree upon certain procedural and discovery provisions that the Commission will incorporate into this order. The Commission will adopt most of the agreed-upon provisions; except that the Commission will not adopt those provisions relating to the conduct of discovery conferences, as such discovery conferences are not included in either of the proposed procedural schedules.

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<sup>2</sup> For a Commission order to be effective on April 24, the order must be issued at least ten days before its effective date, meaning the Commission will need to act at its April 12 agenda meeting.

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

<b>Supplemental Direct Testimony</b>	-	<b>December 9, 2016</b>
<b>Rebuttal Testimony</b>	-	<b>February 14, 2017</b>
<b>Surrebuttal Testimony</b>	-	<b>March 2, 2017</b>
<b>Last day to request discovery</b>	-	<b>March 7, 2017</b>
<b>List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening</b>	-	<b>March 7, 2017</b>
<b>Statements of Position</b>	-	<b>March 7, 2017</b>
<b>Last day to file motion to compel</b>	-	<b>March 14, 2017</b>
<b>Hearing</b>	-	<b>March 15-17, 2017, beginning each day at 8:30 a.m.</b>
<b>All parties file Post-Hearing Briefs</b>	-	<b>March 30, 2017</b>

2. The parties shall comply with the following procedural requirements:

- (A) Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
- (B) Although not all parties may agree upon how each issue should be described, or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved.

The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.

- (C) Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- (D) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.
- (E) If testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter to be marked as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall provide a copy of the document not only to the court reporter, but also to each Commissioner, the Presiding Officer, and counsel for each other party.
- (F) All parties shall provide workpapers, in electronic format, whenever feasible, within two business days following the date on which the related testimony is filed.
- (G) Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly-available format where inputs or parameters may be changed to observe changes in inputs or outputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format.
- (H) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel by electronic means and in electronic form,

essentially concurrently with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format. Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

- (I) The response time for all data requests shall be ten calendar days to provide the requested information, and five calendar days to object or to notify the requesting party that more than ten calendar days will be needed to provide the requested information.
- (J) All data requests, subpoenas, or other discovery requests shall be issued no later than March 7, 2017. A witness may be deposed after March 7, 2017, so long as a notice of deposition is issued by March 7, 2017.
- (K) All motions to compel a response to any discovery request shall be filed no later than March 14, 2017. The parties shall make an effort to resolve all discovery disputes well before the hearing; however, the parties shall present any outstanding motions to compel to the regulatory law judge at the beginning of the hearing on March 15, 2017.
- (L) All parties shall make an effort to not include highly confidential or proprietary information in data request questions. Further, parties shall make an effort not to over-designate information as either highly confidential or proprietary. If highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135. Responsibility to make this designation is upon the party claiming such. Other parties are entitled to rely on the presence or absence of such designation.

- (M) Any data requests issued by or to Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS). All data requests other than those issued by or to Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties.
  - (N) Counsel may designate other counsel to be added to the service list for data requests, and shall assume responsibility for compliance with any restrictions on confidentiality.
  - (O) If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests issued by or to Staff, shall be served on counsel for the requesting party's employee or representative who submitted the data request and shall be served electronically, if feasible and not voluminous as defined by Commission rule.
  - (P) If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request in writing a copy of the response from the party answering the data request; thereby providing the responding party an opportunity to object. If a data request has been responded to, a party's request for a copy of the response shall timely be responded to, considering that a response to the underlying data request has already been made.
3. The transcripts of the evidentiary hearing shall be expedited.
  4. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional

accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

5. This order shall be effective when issued.

**BY THE COMMISSION**



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Hall, Chm., Stoll, Kenney, and Rupp, CC., concur;  
Coleman, C., absent.

Woodruff, Chief Regulatory Law Judge